

Dear President Tuminez:

We, the undersigned, are sending an open letter to inform you that multiple UVU employees have been the targets of unjustifiably protracted investigations that defame and traumatize them. In many cases, investigations have proceeded in the absence of prima facie evidence of misconduct and the allegations employees have been forced to respond to have been completely unsubstantiated. Dr. Michael Shively's recent suicide is an example of just how traumatizing being the target of a UVU investigation can be.

Mike was a dedicated teacher whose anatomy courses prepared hundreds of students for success in medical school and other professions. He served as President of the Faculty Senate and Department Chair. We respected him as our colleague. To many of us, he was both a mentor and a friend.

In March 2019, Dr. Shively was reportedly escorted from campus and ordered to have no contact with his co-workers or students. You informed him that multiple allegations had been made against him and that he was suspended from campus "...until such time that you are acquitted, resign, or are dismissed." *Like many other employees whom have been investigated*, most of the allegations against Professor Shively were vague and unsubstantiated, he was denied counsel, and was not informed who is accuser(s) was.

For instance, he was accused of "Intimidation and threat [sic] toward students and employees..." The veracity of this allegation is questionable. Firstly, those of us who knew Mike Shively know that he would not have threatened anyone. Secondly, threats and intimidation are a violation of Utah's Criminal Code. A reasonable person, if they genuinely felt threatened, would have filed a complaint with a law enforcement agency, they would not have relied on UVU personnel to protect them. If UVU's General Counsel, Karen Clemes possessed prima facie evidence that Professor Shively had threatened UVU students or employees, she should have reported the matter to a law enforcement

agency. She should not have allowed UVU personnel—who are not qualified to investigate or prosecute criminal activities—to spend months conducting their own investigation. That’s a job for law enforcement. A UVU investigation is clearly not an adequate means of addressing alleged criminal actions. However, escorting an individual from campus, suspending him from campus, denying him counsel, and failing to conclude the investigation in a timely manner are clearly very effective means of demoralizing and defaming a well-respected professor.

It should be noted that Mike’s colleagues implored you and others to treat him fairly. In April 2019, Professor Alexander Simon, who is the President of the UVU Chapter of the American Federation of Teachers, wrote to you “Prohibiting Dr. Shively from teaching his classes and suspending him from campus has likely done irreparable harm to his reputation and good name.” Professor Scott Abbott, who is Vice President of the UVU Chapter of the American Association of University Professors, attempted to accompany Dr. Shively to a hearing. UVU’s General Counsel, Karen Clemes turned Professor Abbott away and decreed that Professor Shively was not entitled to counsel and would be interrogated without representation or support. In an email to Ms. Clemes, Dr. Abbott maintained that UVU policy clearly stated that respondents had the right to know who had made charges against them, that allegations had to be specific enough for the respondent to respond to, and that in violation of his right to due process, disciplinary action, i.e., suspending Dr. Shively from campus, had been taken against him in the absence of any finding of a policy violation. Ms. Clemes did not concur with Dr. Abbott’s reading of UVU policy. *It should be noted that the investigatory tactics that Professor Shively was subjected to appear to be very common at UVU.*

The stress of being investigated took a toll on Mike. He lost a significant amount of weight and expressed concern that his suspension would lead students and faculty to assume the worst of him. In August, just before classes started and subsequent to being investigated for months, he took his own life. Although he was not a threat to others, his suspension from campus and the lengthy investigation made him a threat to himself. It should be noted that in another case, a well-respected professor was subjected to similar tactics. After an invasive investigation

that took several months was finally completed, it was determined that the allegations—which were completely unsubstantiated and false—were “unfounded.” Unfortunately, the professor was so traumatized by the experience that he took stress leave. Another tenured professor was finally cleared after a lengthy and traumatizing investigation. He was so demoralized and disillusioned with UVU that he resigned. Clearly, UVU policies regarding investigations need to be significantly reformed.

Sincerely,

Dr. Alexander Simon, Professor of Sociology and President of the UVU Chapter of AFT

Dr. Phil Gordon, Associate Professor of Journalism

Dr. Robert Robbins, Professor of Plant Physiology

Dr. Jen Hooper, Assistant Professor of Mathematics

John Hunt, History

Dr. Sam Rushforth, Dean of Science and Health Emeritus

Kelli Potter, Associate Professor of Philosophy

Dr. James Harris, Professor of Biology and former Dean of Science and Health